

## MINUTES

### Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on January 8-9, 2004 in Room 212 of the Davy Crockett Tower, Nashville, TN.

#### ***THURSDAY, JANUARY 8, 2004 –***

Those present were: Max Billingsley, Chairman; David Mathews, Board Member; Dave Gilbert, Public Board Member; Scott Ledford, Staff Attorney; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

The meeting was called to order at 9:04 a.m. by Chairman Max Billingsley.

Max Billingsley made a motion to open a complaint file against SurveyAmerica and authorize the staff attorney to initiate an investigation in to the facts surrounding this matter. David Mathews seconded the motion. The motion carried unanimously.

Scott Ledford, Staff Attorney, presented the following complaints for review:

#### ***COMPLAINT #20010586 – Jackson vs. Person –***

Max Billingsley made a motion to close this complaint. If anything else is received concerning this matter, the complaint will be reopened. David Mathews seconded the motion. The motion carried unanimously.

#### ***COMPLAINT #20033614 – Phillips vs. Campbell –***

Civil penalty of \$250.00 was paid and signed consent order was received in the Board office on December 30, 2003. David Mathews made a motion to close this complaint. Max Billingsley seconded the motion. The motion carried unanimously.

#### ***COMPLAINT #200315196 – Jones vs. Jones –***

The board found no factual basis for violations as presented. The board determined that this is a boundary dispute. Mr. Ledford recommended that the board hold an informal conference with both the complainant and the respondent in this matter. Max Billingsley made a motion to dismiss the complaint. David Mathews seconded the motion. The complainant has not met TCA 62-18-106(2) to provide a factual basis for the complaint. The staff attorney for the board strongly recommended that the board not dismiss this complaint and urged the

board to give the complainant "his day in court." Mr. Ledford also recommended that the board invite the respondent to appear before the board also. David Mathews withdrew his second to the original motion and Max Billingsley withdrew his original motion. David Mathews then made a motion to hold an informal conference with both the complainant and the respondent in this matter. Max Billingsley seconded the motion. Dave Gilbert abstained from voting. The motion carried 2-1 with one abstention.

#### **COMPLAINT #20036149 –**

David Mathews made a motion that, based on the evidence presented there is a violation of the Standards of Practice such as no accuracy certification, no location map, just distances with no bearings, and no directions on the interior lot lines if this is a plat, etc. Mr. Mathews further moved to send the respondent a consent order and fine the respondent a total of \$1000.00 for violation of TCA 62-18-116(a)(1)(B) and (D). Dave Gilbert seconded the motion. Due to prior knowledge of the complaint, Max Billingsley abstained from voting. The motion carried 2-1 with one abstention.

#### **INFORMAL CONFERENCE – Complaint #200315728 – Breault vs. Weems Complaint #200314681 – Harris vs. Weems**

*#200315729 – Breault vs. Weems* – The board found no violations of the land surveyor's law. David Mathews made a motion to dismiss the complaint. Dave Gilbert seconded the motion. The motion carried unanimously.

*#200314681 – Harris vs. Weems* – The complainant alleges that the respondent failed to mark a cemetery on a piece of property that the respondent surveyed. The complainant has no legal interest in the property. The respondent responded that the area in question was rugged and overgrown and that he, the respondent, simply could not locate the cemetery and that the deed was vague as the exact location of the cemetery.

Murrell Weems, the respondent in this matter, was present. Max Billingsley stated that there is some culpability for not addressing the cemetery on the plat, therefore, due to this error, Mr. Billingsley moved to offer a letter of censure regarding the cemetery issue and then table this complaint pending the outcome of the civil litigation in this matter.

Max Billingsley made a motion that the board has found the respondent guilty of plat deficiencies. The respondent is to be given six months to straighten the matter out. Mr. Weems will have Mr. Lawson's attorney send a letter to Scott Ledford advising Mr. Ledford of the status of the litigation. David Mathews seconded the motion. The motion carried unanimously.

Scores of the October 2003 examination were then reviewed. Max Billingsley made a motion to accept Peter Messier's recommendation regarding the TLS scores. Mr. Billingsley also moved to accept ten applicants who passed the October 2003 exams to gain full licensure and six PLSITs. Dave Mathews seconded the motion. The motion passed unanimously.

The minutes of the September 2003 and October 2003 were reviewed. David Mathews made a motion to approve the September 2003 and to approve the October 2003 minutes as corrected. Dave Gilbert seconded the motion. The motion carried unanimously.

Continuing education was presented for review. Several licensees requested that continuing education hours taken in 2002 be approved for credits towards their 2004 license due to the fact that the vendor did not get there certificates of attendance to them until 2003. In this particular case and this particular case alone, Max Billingsley made a motion to accept 2002 hours submitted for credit in 2004, but the board staff is to send a letter to the licensees who sent in the 2002 hours, along with a letter to Michael Williams and Howard Dawson, informing them "that the board has reviewed the problem and there are extenuating and mitigating circumstances in that these hours were taken late in the year and that was a possibility that the licensee didn't get notice of evidence of completing the continuing course from the vendor until after the first of the year. Therefore, the board has agreed, in this particular case, to allow the continuing education for the subject course. However, this will be monitored in the future and will not be approved next time." A letter is to also be sent to course providers informing them of this matter. If the practice continues, the courses offered are subject to suspension. David Mathews seconded the motion. The motion carried unanimously.

The Board members approved fifteen hours of continuing education for the board's attendance at and participation in the October 2003 board meeting which included several informal conferences on Thursday, October 23, 2003 and a Formal Hearing on Friday, October 24, 2003.

David Mathews made a motion to nominate Phil Carter, former board member, as an emeritus member of the NCEES from our board. The motion was seconded by Dave Gilbert. The motion carried unanimously.

The board then reviewed a plat for violations of the Standards of Practice that was submitted to the board anonymously. No action was taken as the plat was sent in to the board office anonymously.

There being no further business, the meeting was adjourned at 4:00 p.m.

***FRIDAY, JANUARY 9, 2004 –***

Those present were: Max Billingsley, Chairman; David Mathews, Board Member; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

The meeting was called to order at 9:00 a.m. by Chairman Max Billingsley.

The next meeting was scheduled for March 4-5, 2004 at 9:00 a.m. in Room 212 of the Davy Crockett Tower.

The board then discussed the college courses that will be acceptable for licensure as land surveyor in Tennessee. A list of the courses is attached to these minutes.

There being no further business, the meeting was adjourned at 1:00 p.m.

Respectfully submitted,

Donna Moulder  
Administrative Director

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K. Max Billingsley, Chairman

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Marshall H. (Pete) Ragan

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David L. Mathews

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Dave B. Gilbert

## **APPLICANTS WHO PASSED THE OCTOBER 2003 EXAMINATION**

Marc A. Hays  
Grady Curtis Phillips  
Jeremy Jacob Alexander (PLSIT)  
Dixon Lynne Gilbert Brackett (PLSIT)  
David Brian Cagle  
Christopher John Mabery (PLSIT)  
Michael Wayne Netherton (PLSIT)  
Aaron N. Sams (PLSIT)

Thomas Lynn Snyder (PLSIT)  
Mark Haley Driver  
James Leland Hill, Jr.  
Jeffrey A. Leopard  
James Lawrence Nichols  
Richard Lester Bailey  
Thomas Haynes Chandler  
Doyle M. Elkins

## **APPLICANTS WHO FAILED THE OCTOBER 2003 EXAMINATION**

Charles R. Ellis  
John S. Maholland  
Christian M. Medders  
Brian M. Reifschneider  
Jeffrey M. Weems  
Carlen J. Wiggins, Jr.  
Jonathan Wayne Willis  
Douglas Eric Jones  
Nikolas Roberts (PLSIT)

Macon Regen Thornton, Jr. (PLSIT)  
John Christopher Sexton  
Randall Ray White  
Dwight Crutchfield  
Thomas K. Harvey  
Christopher Blake Sexton  
Corbin L. Caruthers  
Randall A. Freeman